

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 1, 2, and 4-10 are pending in the subject application, with amended Claim 1 and newly added Claim 10 being in independent format. This Amendment and Reply to the Office Action, mailed November 1, 2004, is being filed within the 3-month shortened statutory period.

Claim 3 has been canceled. Claim 1 has been amended to incorporate the limitations of canceled Claim 3 and to recite a spice mill comprising inner grinding teeth having a circular arrangement and being displaceably connected to a rotary peg. Newly added independent Claim 10 is drawn to subject matter previously recited in Claim 6 and includes all of the limitations of Claims 1-5.

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter or give rise to prosecution history estoppel.

Drawings

The Examiner states in the Office Action that Figure 4 should be designated by a legend, such as "Prior Art", because Figure 4 shows a conventional pepper mill that is known in the art. Applicant has added the "Prior Art" legend to Figure 4 and the amendments are reflected in the Replacement Sheet attached herewith.

Claim Rejections – 35 U.S.C. §112, second paragraph

The Examiner has rejected Claims 1-9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that Claim 1, line 5 appears to be incorrect and that Claims 1-9 are indefinite as being incomplete for omitting the essential structural cooperative relationship between the lift seat and the rotatable seat.

In response, applicant has amended Claim 1 to recite a spice mill comprising "...an inner grinding teeth having a circular arrangement and displaceably connected to the rotary peg ...". Claim 1 has also been amended to incorporate the limitations of canceled Claim 3 ("...a lift seat

positioned below the inner grinding teeth and provided with a plurality of outwardly extending spokes, each of the plurality of spokes being received by one of a plurality of guide grooves provided on an inner wall of the fixed seat; and a rotatable seat positioned below and connected to the lift seat, whereby rotation of the rotatable seat leads to vertical displacement of the lift seat..."). Support for the claim amendment can be found on page 4 of the specification as originally filed. Applicant respectfully submits that the claim rejection under 35 U.S.C. §112, second paragraph, may thus be properly withdrawn.

Claim Rejections – 35 U.S.C. §102(b)

Claims 1-4, and 7-9 are rejected under 35 U.S.C. §102(b) as being anticipated by *Cheng* (U.S. Patent No. 6,443,377). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

Claims 1, 5, 6, 8, and 9 are rejected as being anticipated by *Reeves et al.* (U.S. Patent No. 3,371,874). This rejection is also respectfully traversed in view of the above amendments and the following remarks.

The Examiner alleges that *Cheng* teaches a pepper grinder including a housing (1); a shaft seat (25) with a rotary peg (251) having a rectangular cross section; inner grinding teeth (26); a fixed seat (21); outer grinding teeth (27); a lift seat (27); and a rotatable seat (28). The Examiner additionally states that *Cheng* shows the claimed convex annular bead on an outer wall of the rotating seat (28) and a concave annular groove in the inner wall of a fixed seat (21), a plurality of spokes (272), a bore (271) for receiving the rotary peg (251), and a spring (24).

The Examiner alleges that *Reeves et al.* teaches a pepper grinder including a housing (10); a shaft seat (15) with a rotary peg (60) having a rectangular cross section; inner grinding teeth (46); a fixed seat (35); outer grinding teeth (45); a lift seat (18); and a rotatable seat (70). The Examiner additionally states that *Reeves et al.* shows a lift seat (18) with a downwardly extending threaded peg (66) that may be screwed into a threaded bore (70) provided in the rotating seat (70).

As noted above, Claim 1 has been amended to incorporate the limitations of canceled Claim 3 (“...wherein the lift seat is provided with a plurality of outwardly extending spokes, and wherein each of the plurality of spokes is received by one of a plurality of guide grooves provided on an inner wall of the fixed seat.”)

Unlike the inventive spice mill, the pepper mills disclosed by *Cheng* and *Reeves et al.* do **not** teach a spice mill having a fixed seat provided with vertical grooves located on the inner wall of the fixed seat to receive spokes on the lift seat, so that upon rotation of the rotating seat, the lift seat is moved upward or downward and the inner grinding teeth are shifted upwards and downwards, thereby setting the size and fineness of the ground particles. In contrast, the protrusions, or spokes 272 of *Cheng* engage serrated teeth 281 defined in the top edge of a flange 280, which extends from the top of collar or rotatable seat 28.

In addition, in *Reeves et al.*, element 18 is an attachment means that stops the outer teeth from rotating with respect to body portion 16. In other words, attachment means 18 is not equivalent to the lift seat as taught by the inventive spice mill. Also, element 70 in *Reeves et al.* is not a “rotatable seat”, rather, it is a lock nut.

Neither *Cheng* nor *Reeves et al.* therefore disclose each element of the claimed invention and do not anticipate amended Claim 1.

It is urged that Claims 1, 2, 4, and 7-9 are not anticipated by *Cheng* and that Claims 1, 5, 6, 8, and 9 are not anticipated by *Reeves et al.*, and that the present rejection of the claims under 35 U.S.C. §102(b) may thus be properly withdrawn.

Allowable Subject Matter

Applicant notes that the Examiner pointed out in the Office Action that Claim 6 would be allowable if all of the limitations of Claims 2, 3, and 4 are added.

New independent Claim 10 is drawn to subject matter recited in Claim 6 and includes all of the limitations of Claims 1-5. Applicant respectfully urges that new Claim 10 is allowable.

Conclusion

In view of the above amendments and remarks, applicant believes that he has addressed all of Examiner's concerns. Early consideration and allowance of all the pending claims is respectfully requested.

Respectfully submitted,

By: 
Victor N. King
Registration No. 55,963

Date: January 28, 2005

SPECKMAN LAW GROUP PLLC

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